



# City of Hampton, VA

## Meeting Minutes

### City Council

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

*W. H. "Billy" Hobbs, Jr.*  
*Will Moffett*  
*Chris Snead*

*Christopher G. Stuart*  
*Donnie R. Tuck*  
*George E. Wallace*

*Molly Joseph Ward, Mayor*

#### *Staff:*

*Mary Bunting, City Manager*  
*Cynthia Hudson, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, September 12, 2012	7:01 PM	Council Chambers, 8th Floor, City Hall
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#### **CALL TO ORDER/ROLL CALL**

#### **MOLLY JOSEPH WARD PRESIDED**

**PRESENT:** W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

#### **INVOCATION – COUNCILWOMAN CHRIS SNEAD**

#### **PLEDGE OF ALLEGIANCE TO FLAG**

#### **MAYOR'S COMMENTS**

Mayor Ward welcomed everyone to the Evening Meeting.

1. 12-0354 Presentation of Distinguished Citizen Award to Gold Medal Olympian Francena McCorory

Mayor Ward stated tonight is a special evening for the City of Hampton. She then invited Olympian Francena McCorory to come forward to receive the highest honor the City of Hampton can bestow on a citizen, the Distinguished Citizen Award. Mayor Ward noted how proud we are to claim Ms. McCorory as our own as a Hamptonian. She then highlighted some of Ms. McCorory's accomplishments. A copy of those accomplishments is attached to the minutes. Mayor Ward noted that this is a rare award which has only been presented 36 times in the history of the City of Hampton.

Ms. McCorory stated she was honored to receive this award. She further stated that the City of Hampton has been phenomenal in following her career since she was 12 years old and she is pleased to know that she can always rely on the City of Hampton for its support.

Ms. McCorory was photographed with the members of Council as well as with her sorority sisters from Delta Sigma Theta Sorority, Inc., who attended the meeting to support her.

PRESENTED by Mayor Ward.

### CONSENT AGENDA

Clerk of Council Ms. Katherine Glass read the protocol for the consent agenda.

Mayor Ward stated a request has been made from members of Council to pull items 3,4,5 and 6 from the agenda.

### CONSENT ITEMS

2. 12-0331 Approval of the minutes from the evening session of June 13, 2012; and the afternoon, public comment, and evening session of August 8, 2012.

APPROVED on the consent agenda.

**Motion made by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

3. 12-0334 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation in the 2012-2013 Homeless Intervention Program through the Hampton Department of Human Services from the Virginia Department of Housing and Community Development.

**WHEREAS**, the Virginia Department of Housing and Community Development has awarded the Homeless Prevention Program Grant to the City of Hampton in the amount of \$250,000 in state funds; and

**WHEREAS**, the grant award covers the period July 1, 2012 through June 30, 2013; and

**WHEREAS**, loan repayment funds will be collected on behalf of this grant; and

**WHEREAS**, approximately \$0 in anticipated carryover funds not spent from the last grant period can be used during the grant period; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA** accepts and appropriates the Homeless Prevention Program Grant in the anticipated amount of \$250,000 and any other supplemental funding by the Virginia Department of Housing and Community Development, and any unspent loan repayment funds and program funds from the last granting period, and any loan repayments collected from this granting period in accordance with the grant agreement;

Councilman Moffett explained he requested these items be removed from the agenda so that the public could have an opportunity to understand what we are doing with these items.

City Manager Bunting noted Assistant City Manager James Gray was prepared to address those issues.

Mr. Gray explained the City of Hampton is a grantee of the Homeless Intervention Program in the amount of \$250,000 and is accepting those funds on behalf of the Peninsula Region and the six communities who participate in the Continuum of Care (the Homelessness Plan on the Peninsula region). He stated that grant program will be divided in thirds between Hampton, James City County and Newport News who will then support one other locality. Hampton's share of those funds is approximately \$80,000 which will support both Hampton and Poquoson. He explained that those funds are used to prevent homelessness, pay mortgage payments, pay deposits for rent or pay rent for those who may be on the verge of eviction. He noted we have participated in that program for over 21 years; the amount of funds we received last year was substantially more, in the amount of \$168,000. He added that this year, there was a change in the grant program in that it all comes to the region through the State to the City of Hampton which shares it with the other localities.

Mr. Gray continued explaining that while there was a reduction in the amount we received in the Homeless Intervention Program (HIP) this year, the Emergency Solutions Program which we also participate in had an increase. This year we will receive \$98,000 and an additional \$48,000 in January. He clarified while there was a reduction in the HIP Program, the total amount of funds we received this year to prevent homelessness increased. He noted this was because the Federal Government through the Department of Housing and Community Development changed the way the funds are distributed. He reiterated those funds can be used to pay mortgages, deposits and rent; however in most cases, they are used to provide emergency assistance needed to prevent homelessness.

Councilman Moffett stated he mentioned a constituent concern to Human Services Director Ms. Wanda Rogers, regarding homeless children living in hotels who had no activities to participate in. He commended Ms. Rogers for her efforts in contacting the schools to identify some of the young people living in hotels and for following up to ensure those children had activities to participate in. He said that initiative is extraordinary, not only of Ms. Rogers, but also of many of our City employees who have great passion regarding this subject. He then thanked Mr. Gray for the report and noted it is very important that the citizens are aware of what we are involved in regarding the funding.

Mr. Gray noted both of the programs are managed through our Department of Human Services. He added we have a dedicated staff that not only provides assistance on a daily basis to people who need help regarding homelessness, but that same staff also runs our emergency shelters and was able to provide assistance during our recent flooding events.

APPROVED - this item was pulled from the consent agenda by Councilman Moffett for separate vote to allow additional information to be presented.

**Motion made by:** Councilmember Will Moffett

**Seconded by:** Councilmember Christopher G. Stuart

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

4. 12-0335 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation in the 2013 Emergency Solutions Grant through the Hampton Department of Human Services from the Virginia Department of Housing and Community Development.

**WHEREAS**, the Virginia Department of Housing and Community Development has awarded the Emergency Solutions Grant to the City of Hampton in the amount of \$98,613 in state funds; and

**WHEREAS**, the grant award covers the period July 1, 2012 through June 30, 2013;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, accepts and appropriates the Emergency Solutions Grant in the anticipated amount of \$98,613 and any supplemental funding made by the Virginia Department of Housing and Community Development.

The discussion for this item took place simultaneously with item 3.

APPROVED - this item was pulled from the consent agenda by Councilman Moffett for separate vote to allow additional information to be presented.

**Motion made by:** Councilmember Will Moffett

**Seconded by:** Councilmember Christopher G. Stuart

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

5. 12-0336 Resolution Authorizing FY12 Fourth Quarter Budget Adjustments

A copy of the FY12 Fourth Quarter Budget Adjustments is attached to the minutes.

**BE IT RESOLVED** by the City Council of the City of Hampton, Virginia that the attached fourth quarter budget adjustments pertaining to fiscal year 2012 be approved.

Councilman Tuck expressed concern that we are using money out of a non-departmental line item to pay for Stormwater salaries. He inquired about these salaries that were not regularly budgeted for and why we were taking the salaries out of this particular account instead of another account or fund.

Ms. Bunting explained we have a variety of things we approve in the budget such as legal expenses, contractual expenses and environmental consultants; however, some salaries which are not assigned to one specific department come out of non-departmental. She defined non-departmental as not relating to just one department. She continued explaining if at the end of a year, we have money left in any account of

the City, we can take that to cover any unanticipated expenses. She noted she cannot immediately state why we had \$1,800 in extra salaries in Stormwater, Finance and \$2,300 in Parks; however, it is likely that there were temporary salaries to take care of something which was unanticipated. She stated given we had balances in non-departmental at the end of the year, we took that appropriation to resolve these close out expenses. She added she would research the specific cause of those amounts which total approximately \$13,500, and provide that information to Council.

Councilman Tuck inquired about the fact that we have employees being paid from somewhere, but now that we are closing out accounts, we are moving money to cover their salary. Ms. Bunting replied that could have been an example of a temporary salary situation. She clarified that not all salaries are for permanent full-time employees. She added when we pay part-time workers, there may be times when they had to work more hours than anticipated. She said we do cover some stormwater expenses; however, not all stormwater expenses are billed to the Stormwater Fund.

Councilwoman Snead explained this is in reference to the Stormwater Fund, not the General Fund. Ms. Bunting agreed these are transfers within the Stormwater Management Fund, not the General Fund non-departmental account. Ms. Bunting continued explaining stormwater has a non-departmental account also for things that don't fit neatly into Public Works or Parks, for example.

APPROVED - this item was pulled from the consent agenda by Councilman Tuck with a request for additional information.

**Motion made by:** Councilmember Will Moffett

**Seconded by:** Councilmember Chris Snead

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

6. 12-0337 Resolution Authorizing an Advance of \$100,000 to the North King Street Phase II Project from the City's General Fund Unassigned Fund Balance to be Returned to the General Fund Unassigned Fund Balance from the Proceeds of the City's 2013 General Obligation Bond Series when Issued

**WHEREAS,** The Hampton City Council appropriated via the FY2013 Capital Budget funds for the North King Street Phase II Project which are to be funded from the proceeds of a City General Obligation Bond Issue; and

**WHEREAS,** Council acknowledges that proceeds from a 2013 bond issue will not be available to permit staff to commence this project in accordance with the VDOT project agreement; and

**WHEREAS,** The City Manager recommends an advance appropriation of \$100,000 from the General Fund Unassigned Fund Balance to the North King Street Phase II Project to provide funding on a temporary basis until the 2013 General Obligation Bonds are issued, at which time the advanced funds will be returned to the General Fund Unassigned Fund Balance.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:** that \$100,000(One Hundred Thousand and Zero Cents) be appropriated from the General Fund Unassigned Fund Balance to the North King Street Phase II Project and that this amount be returned to the General Fund Unassigned Fund Balance as soon as practicable from the proceeds of the anticipated FY2013 General Obligation Bond Issue.

Councilman Tuck expressed concern with this item because we voted to move \$347,000 of contingency from FY12 and FY13, but we already have \$200,000 in contingency in FY13. He stated he is concerned that this non-designated Fund Balance is similar to a rainy day or savings account and if we know we are going to borrow the money and pay ourselves back, why would we take that from contingency versus taking it from our rainy day account?

Ms. Bunting clarified that Councilman Tuck's question is if we are going to advance fund projects and repay them when the bonds are issued, can we take it out of the Capital Project Contingency instead of the General Fund Balance. She stated we could repay the Contingency Fund, however, we have routinely taken advanced funds out of Undesignated Fund Balance, and it is always replenished. She added, in the middle of the year, it is all cash flow for the City, so it doesn't make a big difference in terms of the source if it is going to be replenished in the same fiscal year. She said if Council prefers to take it out of the Capital Project Contingency Fund instead, that can be done, and, in this case it is \$100,000, so we would have enough. She noted that many times when we advance fund projects, there is not adequate funding in the Capital Project Contingency to do so, which is why we routinely take it out of the same place, as well as for consistency purposes.

Ms. Bunting continued stating while Fund Balance is a rainy day account for the City, we have a policy of keeping 10% of our budget in reserve for that rainy day account, and when we have money in excess of that 10%, our policy allows us to use it for Capital Projects. She stated we are over that 10% threshold. Nevertheless, if we are going to replenish the money, theoretically, it could come out of either. However, it is staff's practice to take it out of Undesignated Fund Balance.

APPROVED - this item was pulled from the consent agenda by Councilman Tuck with a request for additional information.

**Motion made by:** Councilmember Will Moffett

**Seconded by:** Councilmember Chris Snead

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

7. 12-0338 Resolution Appropriating Anticipated State VDOT Revenues of \$1,000,000 to the King Street Master Plan Project and \$750,000 to the North King Street Phase II Project

**WHEREAS**, the City of Hampton made application for two Revenue Sharing Program projects through the Virginia Department of Transportation for fiscal years 2009 and 2010; and

**WHEREAS**, the City of Hampton was approved for 50% state matching funds for both projects; and

**WHEREAS**, the City matching funds for both projects have been approved in the City's CIP plan; and

**WHEREAS**, the City and VDOT have entered into agreement for both projects.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA:** that state matching Revenue Sharing Program funds be appropriated to King Street Master Plan project (N. King Street from Mercury Boulevard to L. Back River) in the amount of \$1,000,000 and that \$750,000 be appropriated to the North King Street-Phase II project (intersection of N. King Street and L. Back River Road).

APPROVED on the consent agenda.

**Motion made by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

8. 12-0350 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Highway Safety Grant (Selective Enforcement - Speed) Through the Commonwealth of Virginia Department of Motor Vehicles.

**WHEREAS**, the City of Hampton has been awarded the Highway Safety Grant in the amount of \$16,900 in Federal funds with \$8,450 as an in-kind match from the Hampton Police Division's budget for a total of \$25,350; and

**WHEREAS**, the grant award covers the period 10/01/2012 through 09/30/2013;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates the Highway Safety Grant (Selective Enforcement - Speed) as awarded/made by the Commonwealth of Virginia, Department of Motor Vehicles Department, and any other supplemental funding, in accordance with the grant agreement;

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager or his designee to take the necessary steps to implement this grant award.

APPROVED on the consent agenda.

**Motion made by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

9. 12-0351 Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of the Highway Safety Grant (Selective Enforcement - Occupant Protection) through the Commonwealth of Virginia Department of Motor Vehicles.

**WHEREAS**, the City of Hampton has been awarded the Highway Safety Grant in the amount of \$29,000 in Federal funds with \$14,500 as an in-kind match from the Hampton Police Division's budget for a total of \$43,500; and

**WHEREAS**, the grant award covers the period 10/01/2012 through 09/30/2013;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton accepts and appropriates the Highway Safety Grant (Selective Enforcement – Occupant Protection) as awarded/made by the Commonwealth of Virginia, Department of Motor Vehicles Department, and any supplement funding, in accordance with the grant agreement;

**BE IT FURTHER RESOLVED** that the City Council authorizes the City Manager or his designee to take the necessary steps to implement this grant award.

APPROVED on the consent agenda.

**Motion made by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

10. 12-0353 Resolution Appropriating Funds for Uncompleted Capital Projects Funded with General Funds, Stormwater Funds, Economic Development Funds and Industrial Development Authority Funds.

Be it resolved by the Council of the City of Hampton, Virginia that \$12,562,909.06 from Designated General Fund Balance; \$2,120,893.04 from Stormwater Fund Balance; \$2,473,043.40 from Economic Development Fund Balance and \$43,750 from IDA Fund Balance be appropriated to complete the following projects for Fiscal Year 2013.

<u>Projects</u>	<u>Amount</u>
Re-engineering Technology	\$3,231.23
Strategic Property Acquisition	77,676.95
Upgrades to Council Chambers	28,275.13



Enterprise Architecture	42,674.61
Harbor Square Apartments	1,444,632.25
Contingency Reserve	394,242.88
Homeland Security Building	167,370.00
Public Safety Radio Upgrade	194,587.13
Weapons Range Cleaning	125,006.51
Pre-Wiring for Generators	210,353.90
Emergency Operations Center/E-911 Center (EOC/911)	51,488.98
Drainage Program (Budget Savings)	554,073.22
Arterial Road Resurfacing	2,712,909.63
Mercury Central Infrastructure Maintenance	47,176.46
VDOT-Matching Funds	11,769.43
Drainage Flood Plan	133,895.52
Fort Monroe North Access Road	46,341.30
Back River/Factory Point/Breakwaters	37,800.53
Old Point Master Plan	245,904.96
Downtown Master Plan 2004	9,382.51
Building Maintenance	1,538,687.06
Hampton City Schools Maintenance	945,958.56
Parks and Recreation Maintenance	44,068.72
Hampton's Club House	47,242.68
Shopping Center Revitalization	938,840.92
SunTrust/Collins Development	554,055.29
Retail/Incentive Opportunity	1,270,952.01
Neighborhood Improvement Program	396,136.99
Blighted Property Acquisition	188,173.70
Housing Improvement Grant	<u>100,000.00</u>
<b>Total: General Fund Projects</b>	<b><u>\$12,562,909.06</u></b>

<u>Projects</u>	<u>Amount</u>
Neighborhood Curb and Gutter	\$1,740,983.99
Stormwater Improvements	347,634.76
Drainage, Curbs and Gutters	<u>32,274.29</u>
<b>Total: Stormwater Fund Projects</b>	<b><u>\$2,120,893.04</u></b>

Buckroe Acquisition	\$178,247.94
Property Acquisition	2,100.00
Commander Shepard Boulevard	53,757.62

Hampton Roads Center Parkway/Magruder Landscape	2,136.79
Copeland Park Infrastructure	23,452.92
National Institute of Aerospace (NIA)	942,348.00
Hampton Roads Center South Access	2,500.00
Aberdeen Road Improvements	12,653.06
Hampton Roads Center North Campus	10,028.92
Hampton E-Commerce Grant	37,713.46
Hampton Roads Center Improvements	30,944.16
Hampton Economic Gardening	45,000.00
Purchase of Rudd Lane	500,000.00
Blighted Property (UDAG)	<u>632,160.53</u>
<b>Total: Economic Development Fund Projects</b>	<b><u>\$2,473,043.40</u></b>

Manufacturing Extension Grant	<u>\$43,750.00</u>
<b>Total: IDA Projects Funded from General Fund</b>	<b><u>\$43,750.00</u></b>

APPROVED on the consent agenda.

**Motion made by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

## **PRESENTATIONS, PROCLAMATIONS, AWARDS**

### **PUBLIC HEARINGS**

The Clerk of Council read the protocol for the Public Hearing items.

### **CONDITIONAL PRIVILEGE**

11. 12-0330 Conditional Privilege Application No. 128-2012: Proposal by Zero's Subs, Inc T/A The Jewish Mother Deli & Grille to provide live entertainment at 2 Towne Centre Way (LRSN 4004599).

City Planner Ms. Allison Alexander greeted those on the dais and briefed them on the item. A copy of the presentation is attached to the minutes.

Ms. Alexander stated the applicant is requesting a Conditional Privilege for live entertainment 2, to allow live entertainment in the form of acoustic acts, local two or three person cover bands, jazz, and comedy. She stated the subject property is located at 2 Towne Centre Way, to the west of the AMC movie theater in the Hampton Towne Centre as indicated by the red star on slide 3 of the presentation.

Ms. Alexander stated the majority of this site is zoned C-1 (Neighborhood Commercial) which permits live entertainment in conjunction with a restaurant, subject to approval of a

Conditional Privilege. She stated slide 5 of the presentation shows the rear of the property is zoned M-5D (Langley Flight Approach—Limited Business II) and explained that the purpose of the zoning district is to regulate development that is incompatible with military operations and to protect and preserve public health, safety, and welfare.

Ms. Alexander clarified that because this Conditional Privilege will decrease the intensity of the use in the Langley Flight Approach and in accordance with the Memorandum of Understanding (MOU) with Langley Air Force Base, this application was submitted to Langley Air Force Base (LAFB) for review and they have no objections to the proposed live entertainment.

Ms. Alexander stated the application supports several of the Hampton Community Plan policies such as supporting economic development priorities, expanding entertainment opportunities, nurturing small business, and promoting Hampton as a regional retail destination.

Ms. Alexander stated the application has ten conditions, which relate to hours of operation, maximum allowable capacity, sound, term of permit, and a revocation clause. She then stated staff recommends approval of Conditional Privilege application 128-2012 with ten conditions.

Conditions:

1.       Issuance of Permit  
The Conditional Privilege applies only to Zero's Subs, Inc T/A The Jewish Mother Deli & Grille, located at 2 Towne Centre Way, and is not transferrable to another location.
2.       Location of Live Entertainment  
The stage or performance area shall be sized and located as indicated on the floor plan submitted with the application on June 12, 2012. All live entertainment equipment and performers shall be contained in this area during all performances.
3.       Hours of Operation  
The hours of live entertainment shall be limited to the following:  
Sunday: 8.00AM until Midnight  
Monday through Thursday: 11.00 AM until Midnight  
Friday: 8.00AM until 2.00 AM (Saturday)  
Saturday: 8.00 AM until 2.00 AM (Sunday)
4.       Capacity  
During the time that live entertainment is being provided, patronage shall be limited to 80 persons or the maximum capacity as determined by a City building official, whichever is fewer.
5.       Sound  
Any sound or noise from amplified music shall not exceed a noise level measurement of 60 dBA upon the real property of another as determined by a sound level meter using the "A" weighting scale in accordance with the American National Standard Institute.

6. Staffing

Sufficient staff shall be provided to monitor patron behavior upon their exit of the building into the surrounding area.

7. Virginia Department of Alcoholic Beverage Control

The Conditional Privilege shall not supersede any restrictions or requirements imposed by the Virginia Department of Alcoholic Beverage Control.

8. Revocation

The City Council shall have the ability to revoke Conditional Privilege No. 128-2012 upon two (2) or more violations of any of the attached conditions.

9. Nullification

a. The Conditional Privilege shall become null and void if the use is not established within twelve months of the date of approval by the City Council.

b. The Conditional Privilege shall become null and void if the facility is not used for the permitted use for a period of six consecutive months.

10. Term of Permit

The Conditional Privilege shall be valid for 18 months from the date of approval by the Hampton City Council. After 12 months of operation, prior to the expiration date, the Conditional Privilege will be scheduled for review by the Director of the Department of Community Development (the "Director") to consider if the continuation of the Conditional Privilege would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state, or local law. If after review, the Director determines that the Conditional Privilege would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director may administratively extend the Conditional Privilege in five (5) year increments. Each such extension shall be subject to the same administrative review. If the Director determines that the Conditional Privilege would be detrimental to the public health, safety, and welfare and that to continue the activities under the Conditional Privilege would cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director will notify the Permittee of a denial of the extension in writing. The denial of an extension of the Conditional Privilege will not require the removal of any structure or structures constructed or installed for the live

entertainment area(s). A Permittee aggrieved by the decision of the Director may, upon written request within 30 days of the decision, have the matter reviewed by the Planning Commission and the City Council. Nothing contained herein shall limit the rights of a Permittee to seek a new Conditional Privilege.

In response to Councilman Stuart's inquiry regarding how close residential units are to the site, Ms. Alexander stated the Hampton Towne Center is bordered by I-64 and Hampton Roads Center Parkway. Councilman Stuart then noted that the site is on an end unit, and there is a Video Game Store in a unit near this location which may produce more noise than an acoustic act. Ms. Alexander confirmed the location of the site.

Councilman Hobbs commented that he knows the applicant and his family. He said the applicant has always done business the right way, treated patrons correctly, and is a part of this community, oftentimes pitching in to do the right thing. He noted that the applicant's wife is a life-long Hampton resident and he (Councilman Hobbs) knows that they will not let anything get out of control. Councilman Hobbs commented that he is pleased with the way they have set things up.

Councilman Moffett noted he visited the establishment at Councilman Hobbs' recommendation, and he (Councilman Moffett) was very pleased with the food, location and business.

Mayor Ward noted the applicant was present to answer questions. There were no questions for the applicant. She then opened the Public Hearing and called for speakers from the audience. As there were no speakers, Mayor Ward closed the Public Hearing.

PRESENTED by Alison Alexander, City Planner.

HELD PUBLIC HEARING - there were no speakers on the item.

APPROVED subject to 10 conditions.

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember W. H. "Billy" Hobbs, Jr.

**Aye:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nay:** 0

#### OTHER PUBLIC HEARINGS

12. 12-0349 Public hearing to review the 2011-2012 Community Development Block Grant (CDBG) and HOME Investment Partnership Program performance and to obtain the views of citizens on housing and community development needs in Hampton.

Ms. Bunting noted that this is an annual report requirement. She then introduced Neighborhood Grant Clerk Amanda Olwig to present the staff report to Council, a copy of which is attached to the minutes.

Ms. Olwig greeted those on the dais and referred to the Community Development Block Grant (CDBG) Program on slide 2 of the presentation. She explained activities funded must be eligible under the CDBG Program regulations as well as meet one of the three national objectives of the program highlighted on slide 2 of the presentation.

Ms. Olwig discussed the Home Investment Partnership Program (HOME) shown on slide 3 of the presentation. She stated the primary objective of this program is to provide decent, safe and sanitary affordable housing. She added that one of the conditions of receiving HOME Funds is the City is required to provide a 25% local match to the HOME Program. She noted, as of yet, we have never had to ask the City for the match and have always been able to generate the match in the activities funded. She continued stating this program also requires a 15% local set-aside of its Grant to support the activities of special non-profits called Community Housing Development Organization (CHDOs). These are funds that have been used to assist CHDOs with the construction of special needs housing as well as the acquisition and rehab of single family homes and rental units.

Ms. Olwig reviewed slide 4 of the presentation and explained that the Department of Housing and Urban Development (HUD) determines who qualifies for low to moderate income housing. She said it varies by household size. In FY12, to qualify, a family must fall within the categories listed on slide 4. For example, a family of four cannot make more than \$56,700.

Ms. Olwig stated the next few slides give a review of the resources that were available for this program year. She said slide 6 outlines our entitlement Grants for both CDBG and HOME which is roughly \$1.6 million, and slide 7 is the overview of the total resources available including the Program Income for CDBG and HOME as well as the Revolving Loan Fund. She defined Program Income as income that is generated from the use of funds. For example, if we sell property that we purchase with CDBG Funds, the proceeds from the sale are returned to the program as program income. She defined the CDBG Revolving Loan Fund as a self-sustaining account set up several years ago. She explained we make loans from this account and as these loans are repaid, the funds are deposited back into the same account. Overall, we have approximately \$2.8 million to support activities this program year.

Ms. Olwig gave the following explanation regarding the 2011-2012 CDBG Program Accomplishments described in slides 8-18: The first activity funded was the acquisition of blighted property and vacant lots. We were able to acquire 11 units with CDBG Funds and 2 with City funds. Also included is the Neighborhood Stabilization Program (NSP). In 2009, the City received \$2.3 million from the State to acquire foreclosed properties, rehab those properties and resell them to low to moderate income individuals. The program was completed in 2012 with the sale of our fifteenth NSP home. The two homes reported were purchased with program income from this program. The next activity is demolition of blighted property done through our Community Development Property Maintenance Division. Typically, if we use CDBG Funds to acquire blighted property, we also use CDBG Funds to demolish the property. We continue working to reduce our CDBG inventory and we were able to sell two newly constructed homes this year. One vacant lot was sold to Habitat for Humanity for new construction. We also maintain all of our properties in the CDBG property inventory. With NSP, we sold three homes. We also funded housing programs with our CDBG funds. This program year, we completed construction on four wheelchair ramps. The program pays for the material

for these ramps, but the Exchange Club of Wythe provides the volunteer labor. We completed two exterior repair programs which funds minor exterior improvements of up to \$10,000. We also completed 10 weatherization and energy efficiency projects which were funded through a combination of CDBG and CDBG Recovery Funds. This program provides up to \$15,000 in weatherization, energy efficiency improvements such as more efficient water heaters or new windows. We contract with the Hampton Redevelopment and Housing Authority (HRHA) to administer all of our housing programs funded through CDBG and HOME. This activity covers their staff costs as well as all of their overhead costs. HRHA sponsored eight homebuyer workshops with 57 participants in the past program year and hosted two homebuyer clubs this program year. The homebuyer club is an extensive series over the course of about 16 months to make sure homebuyers are fully prepared for home ownership. We continue to support our Neighborhood Center Programs administered by the Parks and Recreation Department. At Y.H. Thomas Community Center, over 9,000 youth and adults have benefited from programs offered. At the Newtown Learning Center, over 220 have benefited. The Phoebus Improvement League activity resulted in four full-time jobs at Mellen Street Graphics and the Mortgage Shop. Per their contract, they are also required to provide outreach and partnerships with other organizations. This year, they sponsored six public meetings on topics such as the CVS project, Mill Creek Pier project, the Family Dollar project, Fort Monroe and the Phoebus Master Plan. This program year, the Phoebus Civic Association created the partnership for a new Phoebus. Staff is reviewing the new organization's By-Laws and Articles of Incorporation to ensure they continue to meet the requirements under the CDBG Program before they will receive funding in the next fiscal year. Our Little England Cultural Center is a project that was completed in the summer of 2012. Ribbon cutting was held on July 10, 2012. This facility meets the requirements for the lead silver certifications which is consistent with the City's green initiatives. The center is located on the corner of Kecoughtan Road and Ivy Home Road. The Patterson Avenue Extension project is part of a revitalization effort in the old Hampton neighborhood. It will extend the street to Settlers Landing Road. Slide 17 of the presentation shows demolition of the Pine Cove Apartments which is part of the overall neighborhood revitalization effort. The HRHA Section 3 Program provides job training to Section 3 populations. This is the second year for this program. Section 3 populations are low to moderate income individuals, public housing residents and housing choice voucher recipients. To provide this training, HRHA created the Entrepreneur Club which is geared at assisting these individuals with business development. The Entrepreneur Club has now been expanded to include teens in the Teenpreneur Program.

Ms. Olwig gave the following explanation regarding the 2011-2012 CDBG Revolving Loan Fund Accomplishments: No new funds were awarded this program year; however, in November 2011, City Council reallocated \$125,000 to the CDBG Funded Housing Program so that the funds could be used immediately to help low to moderate income individuals.

Ms. Olwig gave the following explanation regarding the 2011-2012 HOME Program Accomplishments: The Homeowner Rehabilitation Program provides deferred loans to City residents to rehabilitate their principal residences for up to \$25,000 City-wide and \$50,000 in Hampton Housing Venture areas. This program year, 11 new projects were funded. As directed at the August City Council meeting, we are currently working with HRHA staff to address the higher funding limits to the Housing Venture neighborhoods which may be perceived as unfair. This program also provides up to \$20,000 in down

payment and closing cost assistance for low to moderate income homebuyers purchasing new construction or rehabilitated homes from HRHA or Hampton CHDO. This program year, assistance was provided for 16 homebuyers. Nineteen potential homebuyers participated in the Homebuyer Club. Four graduates received down payment and closing cost assistance.

Councilman Stuart inquired about the graduation level of 4 out of 19 perspective buyers completing the process. Ms. Olwig explained that the 4 buyers that have already received down payment and closing cost assistance are buyers that have graduated from the program. Councilman Stuart asked if others are still in the program. Ms. Olwig replied "yes".

Ms. Olwig continued her explanation regarding the 2011-2012 HOME Program Accomplishments: HRHA purchases houses, rehabilitates them and resells them to low to moderate income homebuyers. This year, they rehabbed and sold 7 single family homes and 1 is still underway. Slide 26 has a picture of one of the projects from the Acquisition and Rehabilitation activity this program year. This home is located in the Sussex neighborhood which is in one of our Housing Venture neighborhoods. Slide 26 shows the before photo and slide 27 shows the after photo. No new homes were constructed this program year, but these funds remain available for projects in this upcoming year.

Ms. Olwig discussed the CHDOs' activity as shown on slide 29 of the presentation. The Housing Development Corporation of Hampton Roads completed two multi-family projects this past year. Habitat for Humanity sold three newly constructed homes and three lots have been identified for new construction. We also certified a new CHDO this program year, the Southeastern Virginia Corporation. We recertified two CHDOs which are the Peninsula Community Homes and the Home Away from Home.

Ms. Olwig concluded her presentation by reviewing their schedule listed on slide 30 of the presentation.

#### **PUBLIC HEARING:**

Mr. Michael Golden Jr., 118F Little Bay Ave. Yorktown, Virginia, apologized for signing up to speak under the wrong topic. In response to Mayor Ward, Mr. Golden stated he wanted clarity on the item which dealt with the resolution for the North King Street Corridor. Mayor Ward noted that was handled under the Consent Agenda. Ms. Bunting recommended Mr. Golden speak with Public Works Director Mr. Anthony Reyes following the meeting for clarification on this topic.

Councilman Moffett commented that he hopes Pastor Golden and his congregation continue to be involved with North King Street. He stated he was encouraged that Pastor Golden showed an interest in making a difference in that area.

Mayor Ward commented that the Pastor has discussed with us how we can work together to make things better.

Mr. Hugh Bassette, 117 Rip Rap Road, spoke on behalf of the Old Northampton community and made the following statement: We brought the issue up about the Deferred Rehabilitation Loan Program where some neighborhoods could get \$50,000,



and the black neighborhoods could only get \$25,000. I'm not saying that I believe that you went into the back room and said "Let's give the white folks a \$50,000 loan, and give the black folks \$25,000". By no means. The last time we brought it up, I think Mr. Moffett said it was "unintended consequences". Even though it was unintended consequences, we are saying it needs to be corrected. The same amount of loan money should be available to people in Hampton no matter where you live. I live in Old Northampton. If I wanted to rehab my house (which is older than me, so you know it is old), I can only get \$25,000. Twenty-five thousand dollars could probably repair my fence with the way prices are today. We sent a letter to you asking you to correct this situation. We haven't heard from you. Today, we filed a complaint with HRHA and we are going to walk this (like I told you) right to Eric Holders door. This is discrimination. Like you said, it was unintended, but it needs to be corrected. We are asking again that not only in our neighborhood, but in Aberdeen, Garden City, parts of Phoebus, parts of Old Hampton, residents should be available to get \$50,000 loans just as they are in the rest of the City. If not, then we are still continuing against the U.S. Department of Housing and Urban Development (HUD) law. Page 18 from the report the young lady just presented says Fair Housing Laws prohibit discrimination and access to accommodations or services on the grounds of race, ethnicity, religion, gender and/or disability. We are saying that by you having those two tiers of loans, that is in violation of State law, Federal law and the United States Constitution. We would like to see that situation corrected. Our residents should be able to get \$50,000 loans just like people who live in Phoebus, Chesapeake and other parts of the City. Don't come with the "unintended consequences" argument again. If it is unintended consequences – fine – correct it. Thank you.

Councilman Moffett stated to Mr. Bassette: As you brought the point up and as you look at it, retrospectively, you had some valid ideas, but I think you are in error when you suggest that it was racially motivated. The fact of the matter is that Old Hampton continues to be predominately African American. Pasture Point – the other Venture neighborhood was a mixed neighborhood. I think it is inaccurate to suggest that it was based on race. At the last meeting when this was brought up, Housing and Neighborhood Services Manager Ms. Angelique Shenk said we would be more than willing to go back to look at it. I think that is a fair thing to do (to go back and look at it). I don't disagree with you on that point, but I do disagree with you when the suggestion is based on race. I'm not upset with Mr. Bassette – we will always be friends, but that is an inaccurate statement.

Vice Mayor Wallace stated he did not want that accusation to go without a response, and therefore, requested that City Manager Bunting prepare a report responding to it and publicly read it to Council so that the community is aware of the situation in terms of how it accurately or inaccurately reflects what the facts are.

Ms. Bunting added that staff is working on evaluating this and will provide a report at the appropriate time once they have concluded their research. She agreed with Councilman Moffett's comments regarding the nature of the various neighborhoods that were selected and that indeed there were historically African American communities amongst the mix of neighborhoods. She noted we will prepare a report and do a full accounting to the public.

Councilwoman Snead asked Ms. Bunting to address the fact that we are referencing two different programs, the Hampton Housing Venture Program and the CDBG Funding Program where we have to fund that in the pocket of poverty.

Ms. Bunting stated the idea behind the Housing Venture Program, which is funded with a mix of CDBG and General Fund money, was that if we chose targeted neighborhoods, which the Council did, and a diverse set of neighborhoods were selected – we could try to stimulate more action faster by targeting extra money in those neighborhoods. The intent was after you knocked out some, you would move to others. That is why there is more money in certain areas - to enhance the speed of revitalization. She stated Councilwoman Snead was correct and we have funded it with a combination of CDBG and General Fund dollars.

Councilman Tuck commented that it is not fair when one community, regardless of where it is located, can access \$50,000 and another can only access \$25,000. He stated he has observed in certain neighborhoods where some people applied for funds, but their homes are old and possibly have lead paint and/or asbestos issues. He asked did those people have to have everything up to code before they could get windows, for example, updated. He said those people think it may only cost approximately \$10,000, for example for a roof, but are informed that they have to bring the home up to full code, then get an estimate of \$33,000, exceeding the \$25,000 but less than \$50,000, and end up with nothing.

Mayor Ward recommended discussion take place after all citizens have had an opportunity to speak at the Public Hearing. Councilman Tuck noted his comments are related to this issue.

Councilman Tuck continued stating the way it is presented, it appears in order to get access to some funds, the people already have to have a certain amount of money; however, if they already have that much money then they don't need the funds. For example, Mr. Bassette previously gave the example of the man who was given an estimate of approximately \$80,000 in improvements needed to his home. Councilman Tuck stated his concern is this report will go to HUD on the 26th or 28th of this month; however, Council will not have an opportunity to act on or verbalize whether or not they feel it is fair. This situation will exist for another year where one area will have access to \$50,000, but the rest of the City will only have access to \$25,000, and that is unfair.

Mayor Ward again requested further discussion take place once all citizens have had an opportunity to speak. Mayor Ward then called for additional speakers from the audience. As there were no additional speakers, she closed the Public Hearing.

Councilman Moffett stated that there are HUD rules, regulations and requirements over which we have no authority. He said some of the things mentioned are governed by HUD's rules, not the Hampton City Council. He clarified he used the words "unintended consequences", because the discussion was about building critical mass in one neighborhood and moving to the next neighborhood. He noted he is knowledgeable about what the intent was because he was serving on the Neighborhood Commission at that time, and later served on the Housing Authority. He clarified the intent was not to discriminate; instead, it was to be able to build mass and keep things moving until we were able to reach all areas of the City that were in need. He said while it may have appeared that was the intent to some people who were not involved, it was not. He

stressed the importance that citizens understand what the regulations are, otherwise, they may think that this was created by Hampton which is not the case; instead, this was done by HUD and their regulations set the bar.

Ms. Bunting clarified that this is a report on what we did from 2011 to 2012, not the new plan. She stated the report that will be filed is only reporting on completed activities and to the extent we revisit this policy in question or any policy relating to CDBG, that will be addressed in current planning and future planning. She stated she did not want Council to think that by advancing this, they are losing an opportunity because this is a report after the fact for activities that occurred from 2011-2012.

Ms. Bunting recommended Council discuss policy generally outside of the annual budget process. She noted that she has put that on the Council Retreat agenda list to schedule.

Mayor Ward added that this is just a statutorily required receipt of information.

Councilman Stuart commented that this is a summarization of the numbers; however, it doesn't tell you where we are in the process of Pasture Point and those in Old Northampton may want to know when theirs begins. He said possibly adding that to the report would answer questions for those who live in neighborhoods that are waiting for that process to head their way.

Vice Mayor Wallace noted any Councilmember may make a response or request for modification of rules at any time and does not have to wait until a particular report is being made to Council.

PRESENTED by Amanda F. Olwig, Grant Clerk.

HELD PUBLIC HEARING - Michael Golden, Jr. indicated that he signed up for this item in error and had questions on an earlier item dealing with North King Street. The City Manager indicated that Tony Reyes, the Public Works Director, can assist him.

The item required no action by Council other than conducting the Public Hearing.

#### **THERE WERE NO GENERAL ITEMS DISCUSSED**

#### **APPOINTMENTS**

13. 12-0275 to consider appointments to the Planning Commission.

DEFERRED (10/10/2012)

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember Chris Snead

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

14. 12-0340 to consider an appointment to the Finance Committee

REAPPOINTED George Spade for a second two year term which will expire on September 30, 2014.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

15. 12-0341 to consider an appointment to the Hampton Employees Retirement System Board

APPOINTED William "Bill" Hunter Benson, Jr. to fulfill the unexpired portion of S. William Rhode which will expire on June 30, 2013.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

16. 12-0342 to consider appointments to the Hampton Clean City Commission

APPOINTED Alan Rogers and Theresa Sellers to replace Brittany Sherrod and Melva N. Woods fulfilling terms which expire on January 31, 2016.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

17. 12-0343 to consider appointments to the Peninsula Stadium Authority

REAPPOINTED Wanda Gomes, Tim Smith, and A. G. Womble to their second four year terms which will expire on September 30, 2016.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

18. 12-0344 to consider an appointment to the Building Code Board of Appeals

DEFERRED (10/10/2012)

**Motion made by:** Vice Mayor George E. Wallace

**Seconded by:** Councilmember Chris Snead

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph  
Ward

**Nays:** 0

19. 12-0345 to consider an appointment to the Animal Control Advisory Committee

REAPPOINTED James R. Thornton for an additional three year term expiring on August 31, 2015. Mr. Thornton is also the SPCA representative on this committee.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

20. 12-0346 to consider an appointment to the Peninsula Agency on Aging

APPOINTED Celestine Carter for a three year term expiring on September 30, 2015.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

21. 12-0347 to consider appointments to the Hampton Federal Area Development Authority

APPOINTED Charlene Ann Clark to succeed Kevin Van Sloten for the unexpired portion of his term which expires on November 30, 2014, and reappointed Philip Egert to his first four year term which will expire on November 30, 2016, and reappointed Chris Jacobson to his second four year term which will expire on November 30, 2016.

**Motion made by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

#### **REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**

22. 12-0355 Resolution Supporting Restoration of State Funding for Aid to Localities

**WHEREAS**, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, was \$800 million less in FY12 than in FY09 and almost \$500 million less in FY13 than in FY09; and

**WHEREAS**, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are depleted, and real estate assessments are either stagnant or in decline; and

**WHEREAS**, the Appropriation Act contains \$50 million in across-the-board cuts to cities and counties for FY13 and \$45 million in FY14, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a

check for the amounts determined by the Department of Planning and Budget ("Local Aid to the Commonwealth"); and

**WHEREAS**, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

**WHEREAS**, the City of Hampton does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for state prisoners in local and regional jails; and

**WHEREAS**, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

**WHEREAS**, the City of Hampton remitted \$1,243,410 in FY12 and will be required to remit another \$1,031,720 in FY13; and

**WHEREAS**, cities and counties will have provided the state with \$270 million by the close of FY13 for this "Local Aid to the Commonwealth" program; and

**WHEREAS**, these reductions shift state costs to local taxpayers and artificially increases the amount of state surplus revenue; and

**WHEREAS**, state revenues have continued to recover and the state has experienced a budget surplus for the third consecutive year; and

**WHEREAS**, real estate assessments for the City of Hampton continue to reflect the struggling housing market; and

**WHEREAS**, the state should not shift its share of the costs for mandates and responsibilities to local governments;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton asks Governor Bob McDonnell to submit a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in FY14; and

**BE IT FURTHER RESOLVED** that the members of the General Assembly support a budget amendment to the 2013 session of the General Assembly to reverse the \$50 million-a-year reduction for the current year, FY13, and to eliminate the aid to localities reduction in the budget for FY14.

Ms. Bunting stated last evening she shared with Council via email two timely, but last minute, requests after the agenda was published to provide resolutions relating to State funding issues. The Governor is preparing to make his budget amendments and recommendations to the General Assembly and will release his reports in the fall. The Virginia Municipal League (VML) has asked that we take various funding positions. The first one came through the Legislative Committee related to the restoration of State funding for local governments. Vice Mayor Wallace who serves on that committee submitted it to her after the publishing of the agenda. Ms. Bunting explained that over the last several budget cycles, the State decided as part of their budget resolution process, to cut back on revenues that localities had historically received for mandated services – this is the State portion of payments for mandated services such as social services, constitutional officers and jails, for example. She further explained when they did this, they called it "relief to the state" and required every program to take a cut or the locality write a check to the State. However, since they couldn't cut back on most of

those services, for example the jail budget, most localities opted to write the check to the State which in our case amounted to over \$1 million. Localities began calling it "local aid to the State" meaning we have been helping the State balance their budget which has meant taxpayers have had to help fund the State budget.

Ms. Bunting continued stating the commitment was made years ago that when things got better, local governments would be made whole. The State Budget has been improving over the last few years, and therefore, we want to make sure that promise is kept. Through the Legislative Committee, VML has asked that we adopt the following resolution. Ms. Bunting gave each member of Council a copy of the resolution and read it out loud for the benefit of the public.

Ms. Bunting recommended Council adopt the resolution under New Business.

Mayor Ward suggested changing the resolution language in the last "whereas" paragraph on the first page regarding "Revenue Collections" for the City of Hampton continue to reflect the struggling housing market to "Real Estate Assessments" for the City of Hampton continue to reflect the struggling housing market. Ms. Bunting agreed that is a good correction to make.

Councilman Stuart asked if the resolution would carry more power in Richmond if it had seven signatures from the entire sitting body. Mayor Ward replied that in her opinion, the important thing is that we pass it. She added the signatures of the Clerk and the Mayor indicate that the majority of Council endorsed it. She noted, assuming there is a unanimous vote, we could add language which states it was adopted by a unanimous vote.

Clerk of Council Ms. Katherine Glass recommended she do a certified copy of the resolution which states "this matter was voted on". She noted the certified copy will also show the vote.

Vice Mayor Wallace recommended having copies of the resolution made available to our representatives in the General Assembly. Ms. Bunting agreed.

APPROVED AS AMENDED - the words 'revenue collections' in the second to the last whereas clause will be replaced with the words 'real estate assessments'

**Motion made by:** Councilmember Christopher G. Stuart

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

23. 12-0356 Resolution Concerning Line of Duty Act

**WHEREAS**, the Commonwealth of Virginia has recognized the service and sacrifice of first responders since this great Commonwealth was founded, and

**WHEREAS**, first responders have taken an oath to protect and defend the citizens of the Commonwealth and provide them with life-saving help in their greatest time of need, and

**WHEREAS**, first responders all too often make the ultimate sacrifice and die in the line of duty while serving their Commonwealth and its people, and

**WHEREAS**, on March 19, 2012, Governor Robert McDonnell showed his support of first responders and the Line of Duty Act when he said, *"Virginia is blessed with tireless public servants, first responders and everyday heroes who protect and serve the citizens of the Commonwealth in times of crisis and in times of tranquility. Not only do these public servants, law-enforcement officers and first responders make sacrifices for the good of their fellow citizens, but their families are called upon to forgo time with their loved ones, endure holidays with a vacant seat at the dinner table, and make financial sacrifices that allow their loved ones to continue serving the Commonwealth. Unfortunately, as the many line of duty deaths during 2011 remind us, sometimes these families are called upon to suffer the ultimate sacrifice of Virginia's everyday heroes. When the tragic loss of one of our first responders or law-enforcement officers takes place, it is incumbent upon us to provide relief for the mourning families at their time of need. In addition to our compassion and gratitude for their loved one's selfless service, we must also assist with the very real financial burdens facing these families after their sudden loss."* and

**WHEREAS**, we believe that we must honor Virginia's first responders who make the ultimate sacrifice, and

**WHEREAS**, we must not forget the loss suffered by the families of the fallen and it is incumbent upon communities throughout the Commonwealth to support these families left behind by those who make the ultimate sacrifice by providing the resources to support the Line of Duty Act, and

**WHEREAS**, a dedicated and permanent funding source is required to support the Line of Duty Act to ensure that families of the fallen will have the financial support they need in their darkest hour, and

**WHEREAS**, the City of Hampton has paid Line of Duty premiums of \$160,000 to the Commonwealth of Virginia in FY12 and will be required to pay Line of Duty premiums of \$340,000 to the City's Risk Management Fund in FY13.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Hampton strongly supports public safety officers and their commitment to public service and the Commonwealth, and

**BE IT FURTHER RESOLVED** that the City of Hampton strongly supports the Line of Duty Act to protect those who protect us, and

**BE IT FURTHER RESOLVED** that the City of Hampton will work with state legislators to find a state funding stream for the Line of Duty Act to ensure that the families of those who make the ultimate sacrifice are taken care of.



Ms. Bunting said this resolution relates to the Line of Duty Act. Mayor Ward reminded everyone that there have been recent discussions on this topic.

Ms. Bunting agreed and commented that a few months ago, we had to take an affirmative action as to how we wanted to handle the Line of Duty Act. For the benefit of the public, she explained that the Line of Duty Act is a State imposed mandate that if a first responder is killed in the line of duty, their family should be financially covered. She noted this is a very noble Act with the key point being that the State mandates the level of payments and does not give the local government the flexibility to increase or decrease the type of payment. For most of the Act's life, the State covered the cost associated with that benefit that they mandated, however, recently, in concert with some of the State Budget challenges of the recession, the State opted to pass that on to all local governments at a time when we were suffering from all of the same recessionary challenges. There were recent discussions that Council would like to include something in our legislative package to try to reverse it. Shortly after that, the Governor appointed a task force to examine this issue. One of our own Hampton Fire Fighters, Mr. Chuck Nickles, serves on that working group and indicated the task force is studying a dedicated revenue source and that they will be releasing a report in October and it would be helpful if ours and other localities would adopt a position in support of that dedicated revenue source concept which is what this resolution does. For the benefit of the public, Ms. Bunting then read the resolution. She suggested changing the language to read "Resolution concerning the Line of Duty Act".

Councilman Stuart reiterated his previous point regarding maximizing the effect of the resolution.

Ms. Bunting informed Council that there is a State Mandate Commission that has been tasked with looking at State mandates wherein we might experience some financial relief if the State were to change those mandates or provide administrative relief. City staff has prepared and our legislative liaison has entered into the State system our report of those mandates. We are seeking a variety of relief mechanisms for Council. She stated she would provide a full copy of the mandates we asked for relief from in Council's Friday memo. Ms. Bunting noted that this is a never-ending struggle on the part of local government.

Vice Mayor Wallace recommended sending copies of the two resolutions to the body studying the mandates to show this is our response. Ms. Bunting said that was a good idea and staff can do that.

APPROVED AS AMENDED - the title will be changed to Resolution Concerning the Line of Duty Act and the word 'state' will be added to the last paragraph

**Motion made by:** Councilmember Chris Snead

**Seconded by:** Vice Mayor George E. Wallace

**Ayes:** 7 - W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace, Molly Joseph Ward

**Nays:** 0

**MISCELLANEOUS NEW BUSINESS**

Councilman Tuck stated a number of disabled residents attended the July meeting and made presentations to Council. He continued stating it was brought to his attention that there are other disabled residents in our City who would like to participate in Council meetings, but are not able to come in person. He asked if it is possible, considering the technology we have, to allow them to call in. For example, just as someone can get a disability parking decal, they could perhaps have a doctor's note certifying that they are disabled and allow them to have three minutes either at a Public Hearing or during the Public Comment Period to present their views to Council.

Ms. Bunting stated we will take that under advisement. She noted this request came up several years ago and there was research done by the City Attorney; however, she would have to get back to Council with the results of that research.

The meeting adjourned at 8:14 p.m.

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Molly Joseph Ward  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_

- from 2003-2006, while competing for Bethel High School, Francena McCorory attained numerous district, regional, state and national championships and records in indoor and outdoor track
- her eight indoor high school state championships are a state record
- she won the outdoor 100 and 200 meter races for three consecutive years
- she won the Nike prep indoor 400 meter title in national record time, faster than the college championship times that season
- some of her other accomplishments include: 2006 Track and Field News national indoor high school athlete of the year, 2010 NCAA national champion in 400 meter while attending Hampton University, 2000-2010 Daily Press prep athlete of the decade, and 2011 gold medal winner in 4x400 meter relay at the world track and field championship in Daegu, Korea
- she enjoys training in the City of Hampton at Hampton University and the Boo Williams Sportsplex
- In September of 2011, she was presented with a proclamation by the City Council of Hampton

recognizing her as an accomplished athlete and citizen of the City of Hampton

- Ms. McCorory placed 7<sup>th</sup> in the women's 400-meter final at the 2012 Olympics held in London, England with a time of 50.33 seconds, after running 50.19 in the semifinals
- Ms. McCorory achieved an Olympic gold medal as part of the 4x400 relay team for the United States of America
- On behalf of the City Council of the City of Hampton, I am pleased to present Ms. Francena McCorory with the Distinguished Citizen Award

**FY12 FOURTH QUARTER BUDGET ADJUSTMENTS FOR  
COUNCIL ACTION**

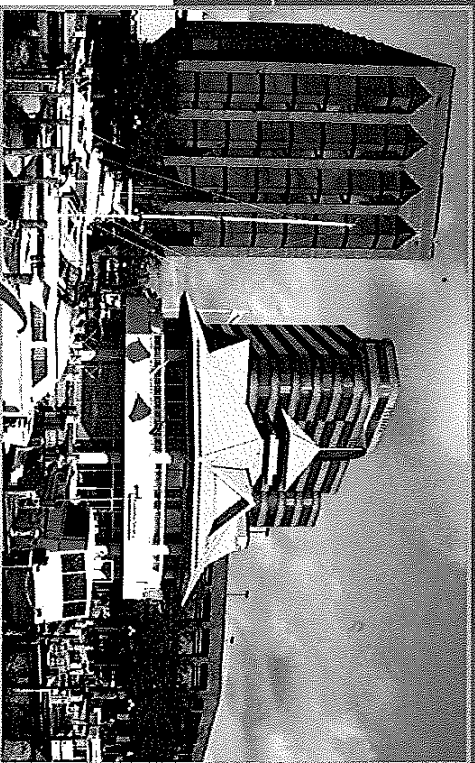
General Fund

Department	Change	Comments
<b>Animal Control</b>		
Personal Services	0.00	Transfer of funds from Nondepartmental and Retirement & Benefits to cover overage in operating expenses.
Operating Expenses	16,646.05	
Capital Outlay	0.00	
Total	16,646.05	
<b>Conventions and Tourism</b>		
Personal Services	1,500.00	Transfer of funds from Retirement and Benefits to cover year end salaries.
Operating Expenses	0.00	
Capital Outlay	0.00	
Total	1,500.00	
<b>Fire Division</b>		
Personal Services	327,600.00	Transfer of funds from Retirement and Benefits to cover year end salaries.
Operating Expenses	0.00	
Capital Outlay	0.00	
Total	327,600.00	
<b>Information Technology</b>		
Personal Services	0.00	Transfer of funds from Treasurer for FY12 Annual Information Technology Support.
Operating Expenses	33,929.00	
Capital Outlay	0.00	
Total	33,929.00	
<b>Jail</b>		
Personal Services	(38,000.00)	Transfer of funds from Sheriff to cover year end operating expenses for utilities~electric/water and auto fuel. Also transfer of Personal Services to Sheriff to cover year end salaries.
Operating Expenses	130,000.00	
Capital Outlay	0.00	
Total	92,000.00	
<b>Parks</b>		
Personal Services	0.00	Transfer funds from Recreation to purchase All Terrain Vehicles for Sandy Bottom Nature Park and Buckroe Beach Patrol.
Operating Expenses	0.00	
Capital Outlay	35,808.39	
Total	35,808.39	
<b>Recreation</b>		
Personal Services	0.00	Transfer of funds to Parks to purchase All Terrain Vehicles for Sandy Bottom Nature Park and Buckroe Beach Patrol.
Operating Expenses	(35,808.39)	
Capital Outlay	0.00	
Total	(35,808.39)	
<b>Sheriff</b>		
Personal Services	(132,000.00)	Transfer of funds to Jail to cover year end expenses for utilities~electric/water, fuel and salaries. And transfer from Jail to cover shortage in supplies.
Operating Expenses	40,000.00	
Capital Outlay	0.00	
Total	(92,000.00)	

**FY12 FOURTH QUARTER BUDGET ADJUSTMENTS FOR  
COUNCIL ACTION**

General Fund		
Department	Change	Comments
<b>Social Services ~ Admin</b>		
Personal Services	16,000.00	Transfer of funds from Social Services ~ Purchase Service to cover FICA, and operating expenses through fiscal year end.
Operating Expenses	409,000.00	
Capital Outlay	0.00	
Total	425,000.00	
<b>Social Services ~ Purchase Service</b>		
Personal Services	0.00	Transfer of funds to Social Services ~ Admin to cover FICA, and operating expenses through fiscal year end.
Operating Expenses	(425,000.00)	
Capital Outlay	0.00	
Total	(425,000.00)	
<b>Treasurer</b>		
Personal Services	0.00	Transfer of funds to Information Technology for FY12 Annual IT Support.
Operating Expenses	(33,929.00)	
Capital Outlay	0.00	
Total	(33,929.00)	
<b>Nondepartmental</b>		
Personal Services	0.00	Transfer of funds to Animal Control to cover overage in operating expenses.
Operating Expenses	(15,000.00)	
Capital Outlay	0.00	
Total	(15,000.00)	
<b>Retirement and Benefits</b>		
Personal Services	0.00	Transfer funds to Fire Division to cover year end salaries and Conventions and Tourism. Also transferred funds to Animal Control for operating expenses.
Operating Expenses	(330,746.05)	
Capital Outlay	0.00	
Total	(330,746.05)	
<b>Interest &amp; Other Debt Cost</b>		
Personal Services	0.00	Transfer of funds to Serial Bond Maturities to cover interest payments for Virginia Air and Space Center.
Operating Expenses	(34,925.94)	
Capital Outlay	0.00	
Total	(34,925.94)	
<b>Serial Bond Maturities</b>		
Personal Services	0.00	Transfer of funds to cover interest payments for Virginia Air and Space Center.
Operating Expenses	34,925.94	
Capital Outlay	0.00	
Total	34,925.94	

# Conditional Privilege Application No. 128-2012



*Hampton*  
VIRGINIA

Zero's Subs, Inc  
T/A The Jewish Mother  
2 Towne Centre Way

**City Council**

**September 12, 2012**

# Application

**Conditional Privilege**

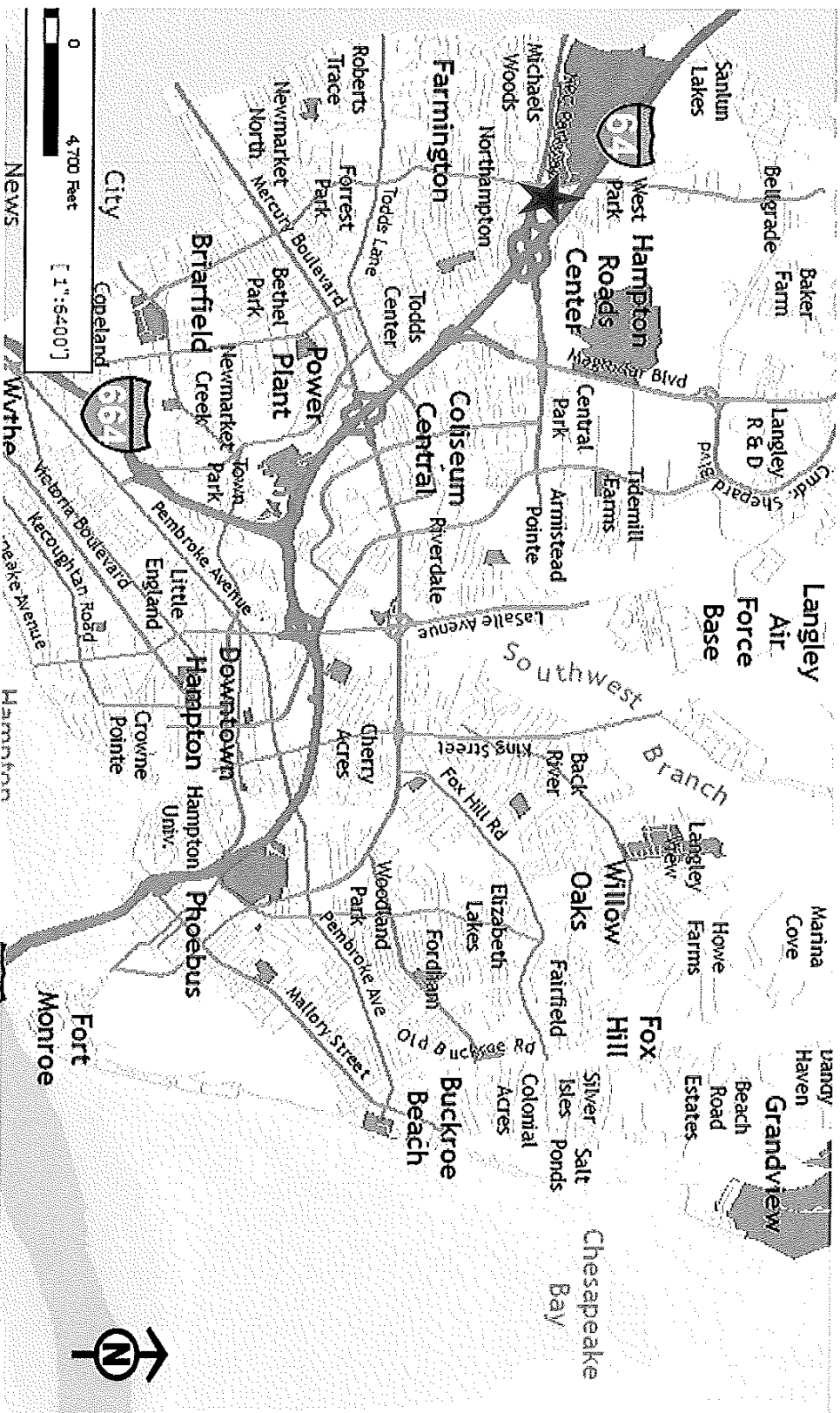
**Live Entertainment 2**

City Council  
September 12, 2012

Conditional Privilege #128-2012



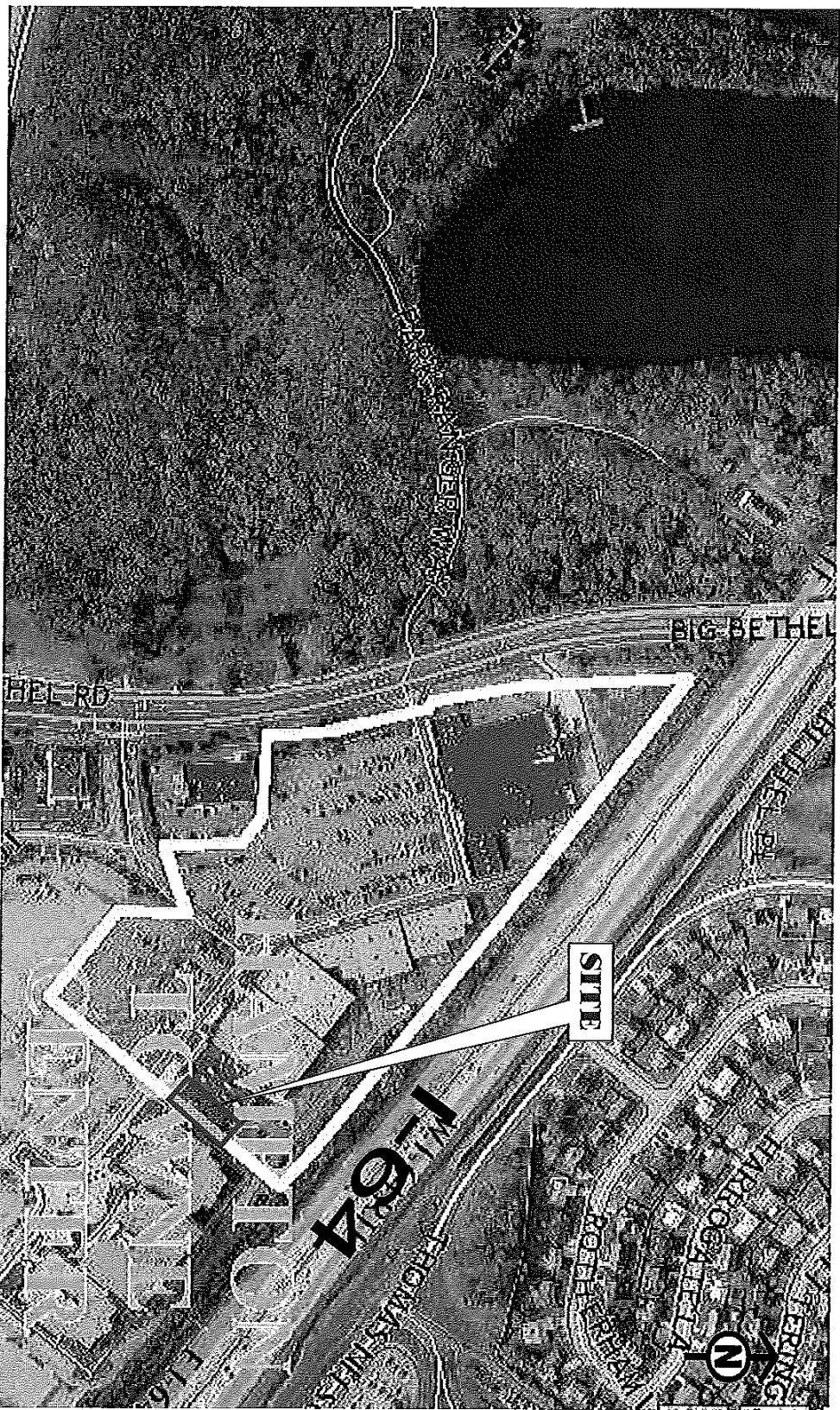
# Location Map



City Council  
September 12, 2012

Conditional Privilege #128-2012

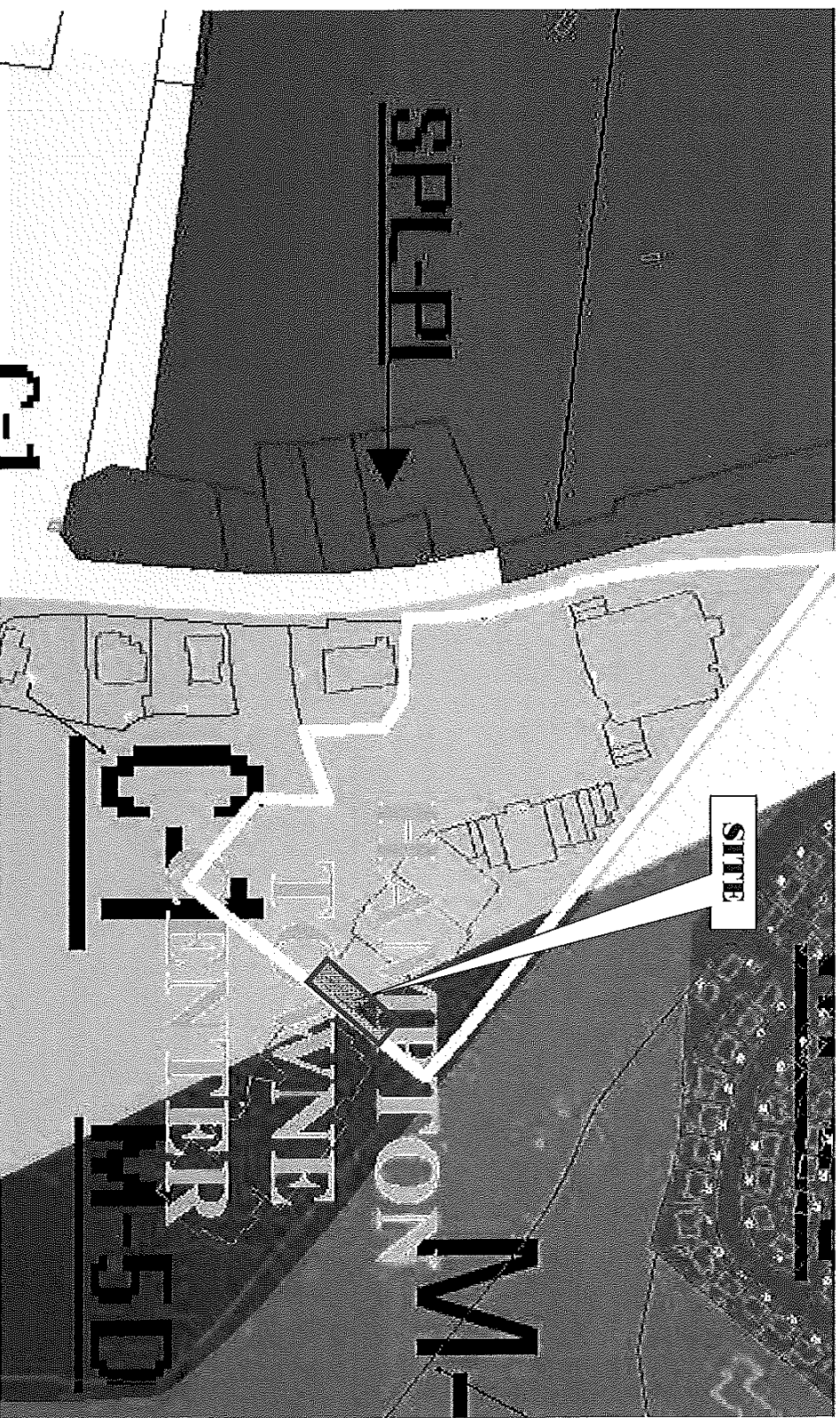
# Location



City Council  
September 12, 2012

Conditional Privilege #128-2012

# Zoning

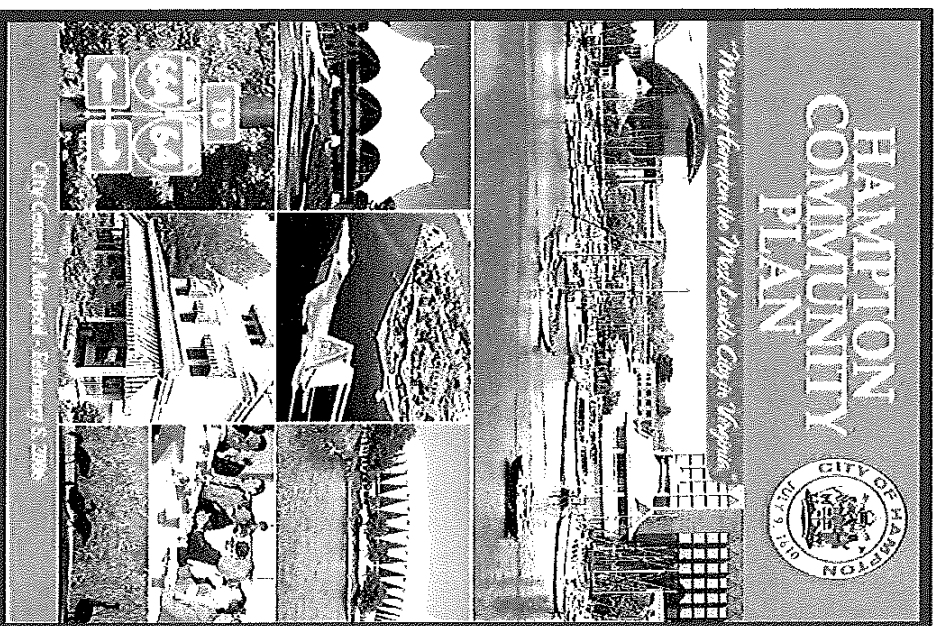


City Council  
September 12, 2012

Conditional Privilege #128-2012



# Public Policy



- ✦ **Supports City's economic development priorities**
- ✦ **Expands entertainment opportunities**
- ✦ **Nurtures small business**
- ✦ **Promote Hampton as a retail destination**

(Adopted 2006 by City Council, as amended)

City Council

September 12, 2012

Conditional Privilege #128-2012

# Summary of Conditions



# Hours of operation

# Sound

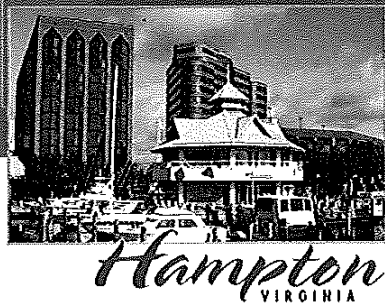
# Capacity

# Term of Permit

# Recommendation

**Approve**  
**Conditional Privilege Application**  
**No. 128-2012**  
**with 10 conditions**

2011-2012  
Consolidated Annual Performance &  
Evaluation Report for Housing &  
Community Development



City Council

■ September 12, 2012

Community Development Block Grant Program

- Primary objective is the development of viable urban communities by providing:
  - Decent housing,
  - A suitable living environment, and
  - Economic opportunity.
- Activities must meet one of three national objectives:
  - Benefit to low and moderate income persons,
  - Aid in the prevention of slums and blight, or
  - Meet an urgent need.

### Home Investment Partnership Program

- Primary objective is to:
  - Expand affordable housing,
  - Strengthen the ability of local governments to provide housing, and
  - Expand the capacity of non-profit community based housing development organizations.
- Matching Funds: 25% local match
- Non-Profit Participation: 15% set-aside for certified Community Housing Development Organizations.

### 2012 HUD Income Limits (MSA)

Family Size	30% of Median	Very Low	Low-Income
1	14,900	24,850	39,700
2	17,000	28,400	45,400
3	19,150	31,950	51,050
4	21,250	35,450	56,700
5	22,950	38,300	61,250
6	24,650	41,150	65,800
7	26,350	44,000	70,350
8+	28,050	46,800	74,850

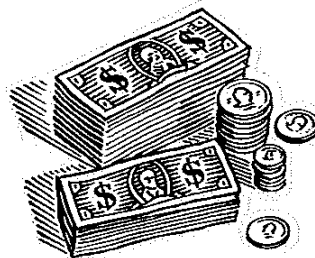


## Resources

### FY 2010-2011 CDBG and HOME Allocations

**Community Development Block  
Grant Program  
\$973,263**

**HOME Investment Partnership  
Program  
\$689,522**



### 2011-2012 CDBG and HOME Program Resources

Community Development Block Grant (CDBG) Program	\$973,263
CDBG Program Income	\$122,626.91
CDBG Revolving Loan Fund	\$225,000
HOME Investment Partnership Program	\$689,522
HOME Program Income	\$802,440.43
<b>Total CDBG &amp; HOME Resources:</b>	<b>\$2,812,852.34</b>

### 2011-2012 CDBG Program Accomplishments

## Acquisition

- ❖ 11 blighted units acquired with CDBG resources
- ❖ 2 blighted units acquired with City resources
- ❖ 559 blighted units acquired since 1993 with CDBG resources

NSP:

- ❖ 2 foreclosed homes purchased with Neighborhood Stabilization Program funding.

## Demolition

- ❖ 12 blighted units demolished with CDBG resources
- ❖ 14 blighted units demolished with City resources
- ❖ 522 blighted units demolished since 1995 with CDBG resources.



## Disposition

❖ 3 lots sold as follows:

- 2 new construction houses sold
- 1 vacant lots sold to Habitat for Humanity

NSP:

❖ 3 rehabbed houses sold



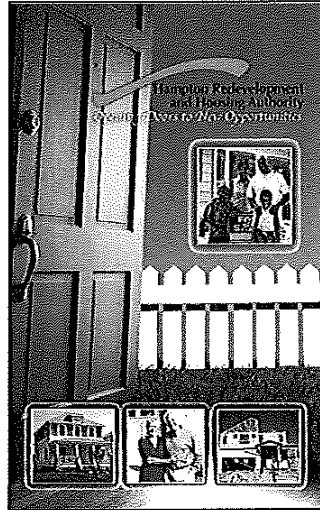
## Housing Programs

- ❖ 4 wheelchair ramps constructed
- ❖ 2 Exterior Repair Projects funded
- ❖ 111 Housing Program projects since 1995.



## Housing Services

- ❖ Rehabilitation administration for 63 housing units.
- ❖ 57 First-time Homebuyer Workshop participants.
- ❖ 19 Homebuyer Club participants.



## Support Services to Neighborhood Center Programs

- ❖ Y.H. Thomas Community Center:
  - 61 youth received tutoring and enrichment
  - 38 youth participated in summer playground program
  - 9,000 youth and adults participated in other activities
- ❖ Newtown Learning Center:
  - 120 youth participated in tutoring
  - 65 adults participated in computer classes
  - 12 special needs adults received computer training
  - 25 youth participated in summer enrichment activities



## Phoebus Improvement League

- ❖ Provided assistance to achieve the creation of 4 full-time jobs in the Phoebus Business District
  - Mellen Street Graphic (2)
  - Mortgage Shop, LLC (2)
- ❖ Sponsored 6 public meetings
- ❖ Merged with the Phoebus Civic Association.

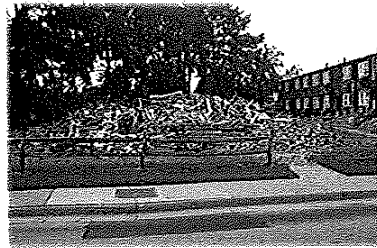
## Little England Cultural Center

- ❖ The building was completed in June 2012
- ❖ A ribbon cutting ceremony was held on July 10, 2012.



## Patterson Avenue Extension

- ❖ The design is currently underway.



## HRHA Section 3 Program

- ❖ 15 participants graduated and received certificates.
- ❖ Created new Teenpreneur Club



## CDBG Revolving Loan Fund Accomplishments

### CDBG Revolving Loan Fund

#### 3% Loan Program

- ❖ No new loans were awarded.

#### Housing Acquisition & Rehabilitation

- ❖ No new loans were awarded.

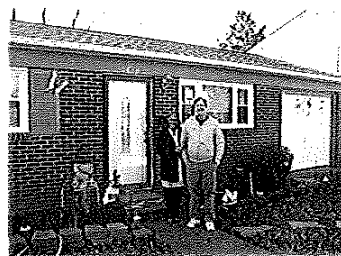
An amendment was approved by City Council to transfer \$125,000 to CDBG Housing Programs.



## 2011-2012 HOME Program Accomplishments

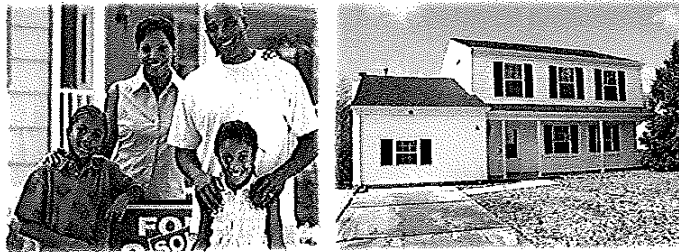
### Homeowner Rehabilitation

- ❖ 11 Homeowner Rehabilitation Projects
- ❖ 513 Homeowner Rehabilitation Projects since 1993



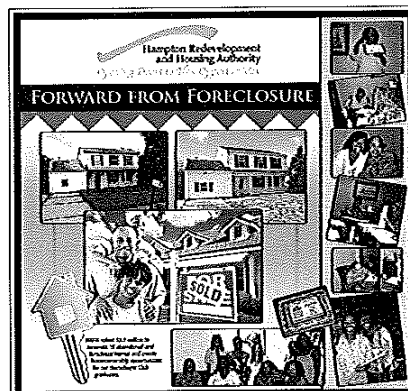
## Homebuyer Assistance

- ❖ 16 Homebuyer Assistance Projects
- ❖ 143 Homebuyer Assistance Projects since 1993



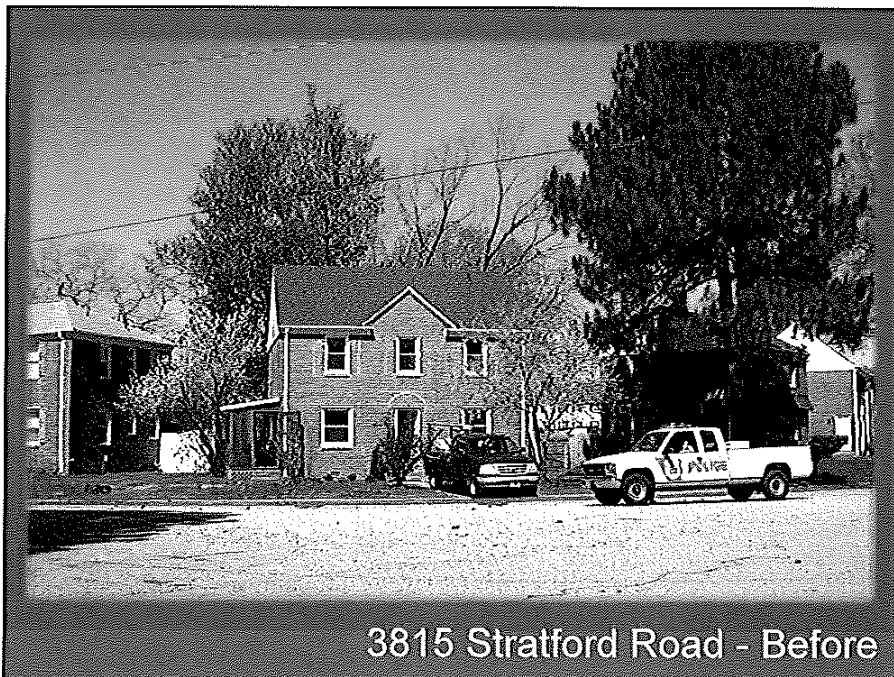
## Homebuyer Club

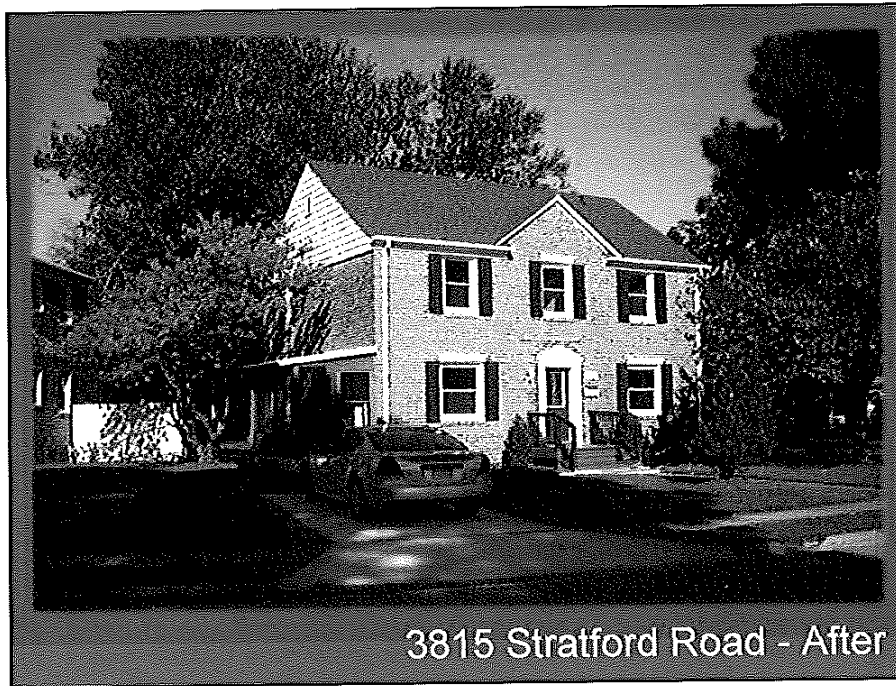
- ❖ 19 potential homebuyers participated
- ❖ 4 graduates received downpayment and closing cost assistance.



## Acquisition & Rehabilitation

- ❖ 7 single family houses rehabbed and sold.
- ❖ 1 single family house acquired with rehabilitation underway.
- ❖ 28 single-family homes acquired, rehabbed and sold since the program's inception in 2004.





## New Housing Construction

❖ No new Homes Constructed

### Community Housing Development Corporations (CHDOs)

- ❖ 2 multi-family complexes (8 units total) were rehabilitated
- ❖ 3 new construction homes were sold
- ❖ 3 lots have been identified for new construction
- ❖ 1 new CHDO certified
- ❖ 2 CHDOs recertified



### CAPER Schedule

August 28, 2012	Begin 30-Day Public Community Period
September 12, 2012	City Council Meeting Public Hearing
September 26, 2012 6:30 PM, 5 <sup>th</sup> floor City Hall	Public Meeting End of Public Comment Period
September 28, 2012	Plan submitted to Department of Housing & Urban Development for review/approval

